

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS
(Shield No. 05861), DETECTIVE GLENN GODINO
(Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10
(names being fictitious and presently unknown and intended
to be employees of the NYPD who were involved in Plaintiff's
arrest, detention, imprisonment, and/or prosecution),
DISTRICT ATTORNEY ROBERT T. JOHNSON,
ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS
A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED
TALTY a/k/a ED TULTY and ASSISTANT DISTRICT
ATTORNEY MICHAEL COOPER,

Defendants.

Docket #: 12-CV-7454
(PGG)(DCF)

**PLAINTIFF'S NOTICE
OF MOTION FOR
SANCTIONS
PURSUANT TO
FED.R.CIV.P. 37**

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, the Declaration
of Richard Gross dated June 27, 2016, and the exhibits annexed thereto, plaintiff, Kenneth
Creighton, will move this Court for an order, pursuant to Fed.R.Civ.P. 37: 1) entering judgment
against defendants for spoliation, destruction and alteration of crucial evidence; or, in the
alternative 2) directing that the DVD provided by defendants during discovery conclusively
establishes that the person shown in the video passing an object to Dior is not plaintiff, Kenneth
Creighton; or, in the alternative 3) directing that the Court, at trial, give binding instructions to
the jury to infer that the original videotape and missing DD5s would be both relevant and
favorable to the plaintiff's case; and 4) for any such other and further relief as the Court deems
just and proper.

Dated: New York, New York

June 27, 2016

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